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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,642

02/20/2004

Geoffrey N. Holland

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11/27/2006

BRIAN R. WOODWORTH

275 N. FIELD DRIVE

DEPT. NLEG BLDG H-1

LAKE FOREST, IL 60045-2579

EXAMINER

KHUU, HIEN DIEU THI

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,642

Applicant(s)

HOLLAND ET AL.

Examiner

Cindy D. Khuu

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 19-26 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/6/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Invention II, claims 19-30 in the reply filed on 10/17/2006 is acknowledged. Claims 1-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions I.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19-21, 24, 28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Batch (US 2005/0119914).

With respect to claim 19, Batch discloses a method for adjusting the medical device (Fig. 2) output conveyed to a caregiver (Paragraph 68, lines 26-35), comprising:

supplying display criteria to the medical device (Paragraph 68, lines 19-25), where the display criteria is selected from the group consisting of location of the medical device in the hospital (Paragraph 72, lines 3-5), the type of medication being supplied (name of drug), time of day (scheduled start/end; date/time), caregiver information (Paragraph, lines 6-16), patient information (patient's name); and

configuring the output of the medical device conveyed to a caregiver based on the display criteria (Paragraph 68, lines 19-25).

With respect to claim 20, Batch further discloses a method wherein the medical device output includes a visual display on a display screen (84, 74 and 64).

With respect to claim 21, Batch further discloses comprising the step of configuring the output of the medical device to present the caregiver with a select display color from multiple given display colors (Paragraph 65, line 6; Paragraph 113, lines 18-20).

With respect to claim 24, Batch further discloses wherein the output of the medical device includes a sound device (Paragraph 74, lines 21-24).

With respect to claim 28, Batch further discloses wherein the patient information includes a patient diagnosis and disease state (Paragraph 70, lines 1-8).

With respect to claim 30, Batch further discloses a medication management system (Fig. 2) for adjusting the medical device output (64, 74 and 84) conveyed to a caregiver (Paragraph 68, lines 26-35), comprising:

a medication management unit (30) having a processing unit (45) and a storage medium (46) coupled to the processing unit, the storage medium containing programming code executed by the processing unit (Paragraph 43, lines 18 and 24-26)

to: receive display (64, 74 and 84) criteria, where the display criteria is selected from the group consisting of location of the medical device in the hospital, time of day, the type of medication being supplied, caregiver information, patient information, and instruct a medical device to configure an output of the medical device conveyed to a caregiver based on the display criteria received by the medication management unit (Paragraph 68, lines 19-25; Paragraph 72, lines 3-5; Paragraph, lines 6-16); and a medical device (monitoring and administration devices) in electronic communication with the medication management unit (30; Fig. 2), having a processor and a memory coupled to the processor, the memory containing programming code executed by the processor to configure the output of the medical device conveyed to a caregiver based on the instruction from the medication management unit (Paragraph 19).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batch (US 2005/0119914) in view of Say et al. (US 2003/0187338).

With respect to claims 22, 25 and 26, Batch teaches of the care management system to generate alarms/alerts to nurse/physician/care staff (Paragraph 53). Batch does not teach of obvious features how the sounded/displayed alarms (74 or 84; Paragraph 97, lines 9-12) can be selected for multiple brightness levels, warning tones and volumes. However, it is well known and obvious by Say to teach of a medical alarm system (104) with different auditory tone, volume and visual brightness (Paragraph 291, lines 4-12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to incorporate an alarm system with different auditory tone, volume and visual brightness as disclosed by Say into the alarm system of Batch for the purpose of indicating one or more conditions (Paragraph 291, lines 4-12).

Claims 23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batch (US 2005/0119914) in view of Shapiro et al. (US 2005/0075544).

With respect to claims 23 and 29, Batch teaches of video displays (64, 74 and 84) for displaying of patient information and touch screen displays (74 and 84) to display/select a variety of information about a particular patient (Paragraph 48, lines 11-12). Batch does not teach the details of all possible information being displayed and whether the nurse/physician can select different languages. However, it is well known by Shapiro to teach of a patient assessment screen (970) to obtain patient's hearing ability information

(Paragraph 163, lines 22-28) and to determine the value displayed as the preferred language on the Patient Assessment screen (Paragraph 256, lines 22-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to incorporate a language field and to display patient's hearing ability information as disclosed by Shapiro into the displays of Batch for the purpose of specifying the predominant local language or to display the preferred language on the screen (Paragraph 256, lines 22-25) and to provide the patient's ability to learn from hearing reasons (Paragraph 163, lines 22-28).

Allowable Subject Matter

Claim 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fails to disclose or render obvious, which makes the following claims allowable over the prior art:

With respect to claim 27, wherein the display criteria is user information selected from the group consisting of caregiver training level, caregiver security level access, caregiver experience, caregiver error rate, and caregiver response time.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Fax/Telephone Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy D. Khuu whose telephone number is (571) 272-8585. The examiner can normally be reached on M-F, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMD 11/14/06


John Barlow
Supervisory Patent Examiner
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